

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP PD.Nos.713 & 714 of 2019

and

C.M.P.Nos.4625 & 4632 of 2019

CRP(PD)No.713 of 2019

Thangavelu

...

Petitioner/5th Defendant/
Petitioner

-VS-

1.Pugazhendhi

2.Saranya

...

Respondent Nos 1 & 2/
Plaintiffs/Respondents

3.Masilamani @ Bhoopalan

4.Chokkalingam

5.Kamalakannan

6.Kalaiselvi

7.Munisamy

8.Kumaresan

9.Palani

...

Respondents/
Defendants 1 to 4 & 6 to 8/
Respondents

CRP(PD)No.714 of 2019

Thangavelu

...

Petitioner/5th Defendant/
Petitioner

-VS-

1.R.C.Mohanraj

...

Respondent No.1/ Plaintiff/
Respondent

2.Masilamani @ Bhoopalan
3.Chokkalingam
4.Kamalakannan
5.Kalaiselvi
6.Munisamy
7.Kumaresan
8.Palani

... Respondents/
Defendants 1 to 4 & 6 to 8/
Respondents

PRAYER in both CRPs(PD): These Civil Revision Petition are filed under Article 227 of the Constitution of India, against the order dated 07.12.2018 in I.A.Nos.244 & 243/2018 in O.S.Nos.16 & 15/2012 on the file of III Additional District Court, Vellore at Tirupattur.

For Petitioner : M/S.K.Chandrasekaran

COMMON ORDER

The above Civil Revisoin Petitions are filed challenging the dismissal Order dated 07.12.2018, passed by III Additional District Judge, Vellor, Tirupattur, dismissing the petitions filed by the 5th defendant, in I.A.Nos.243 & 244 of 2018 in O.S.Nos.15 & 16 of 2012, which were filed to reopen the case on the ground that the counsel for the 5th defendant in the suit has omitted to state certain important facts in the written statement. Challenging the same the revision petitioner is before this Court.

2.Heard the learned counsel for the petitioner.

3.From the perusal of the order dated 07.12.2018 in I.A.Nos.243 and 244 of 2018, it is seen that after the evidence on either side was closed, the matter was posted for plaintiffs arguments. The arguments of D5, D7 and D8 were heard on 11.09.2018 and thereafter, the matter was posted to 12.09.2018 once again, for arguments. But on 12.09.2018 the plaintiff filed a petition to reopen the case to file amendment application. The same was allowed and the amendment was carried out. Again on 18.09.2018 the plaintiff filed the same petition which was dismissed on 12.10.2018. The matter was thereafter posted for arguments of D3, D4 and the plaintiff, on 24.10.2018. At request, the matter was adjourned to 26.10.2018 since there was no representation on behalf of D3, D4 and the plaintiff. The matter was reserved for Judgment and posted to 09.11.2018, and the parties were permitted to file their written arguments.

4.At this juncture, the present petitions have been filed to reopen the case of plaintiff's arguments and to file additional written statment. A perusal of the affidavit filed in the said petitions, would clearly show that the petitions are bereft of any details as to why the 5th defendant seeks to reopen the case to file addittional written statement and what new facts he would like to place in the additional written statement. Except stating in one line that the learned counsel has omitted to state certain facts, there are no other reasons for reopening the

plaintiff's side evidence and to file the additional written statement.

5. In view of the above, I do not find any infirmity in the order passed by the court below. Therefore, these Civil Revision Petitions are dismissed. No costs. Connected Civil Miscellaneous Petitions are closed.

25.02.2019

Index : Yes/No
Internet : Yes / No
Speaking/non-speaking order

jrs

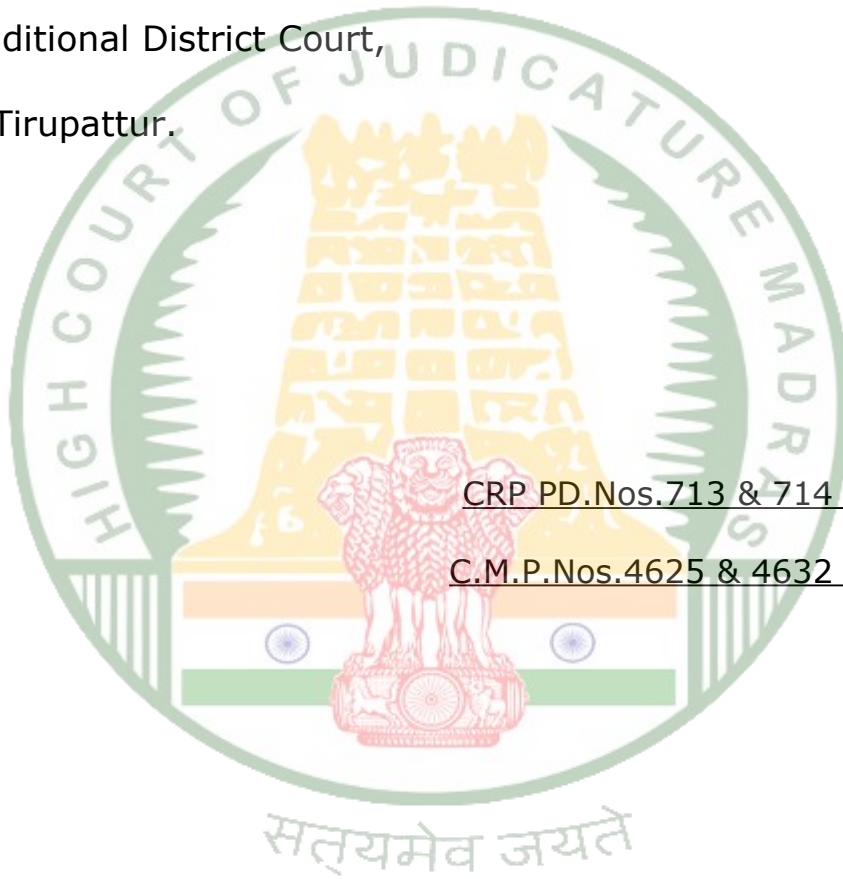


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P.T.ASHA.J

jrs

To
The III Additional District Court,
Vellore at Tirupattur.



CRP PD.Nos.713 & 714 of 2019
and
C.M.P.Nos.4625 & 4632 of 2019

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